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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,461

Applicant(s)

BLOEBAUM ET AL.

Examiner

Charles Appiah

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 70-113 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 70-113 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 70-113 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 70, 71, 76-78, 83-85, 90, 91, 106, 107, 112 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Beason et al. (6,373,430)** in view of **Pihl et al. (6,625,458)**.

Regarding claims 70 and 84, Beason discloses a mobile terminal comprising: a GPS receiver (12) to receive GPS data (see col. 3, lines 26-33), a cellular transceiver (16) to communicate with a wireless communications network (see col. 3, lines 27-30, col. 4, lines 22-25). Beason teaches that the wireless communication units are able to calculate their location (serving as a reference location) as a function of received satellite signals, and communicate that location data to one another mobile terminal since they are all equipped with GPS receivers, (see col. 2, lines 22-58, col. 4, lines 24-34), but fails to explicitly teach that the location information is specifically GPS Assistance Data which is transmitted to a remote mobile terminal via the wireless communication network.

In an analogous field of endeavor, Pihl discloses a GPS Assistance Data delivery system in which a mobile terminal generates GPS assistance data from received GPS data (col. 4, lines 53-56), and transmits the GPS assistance data to GPS-capable remote mobile terminals via the wireless communications network (feature of at least one other GPS-capable mobile terminal also receiving GPS Assistance Data in a point-to-point transmission from the network, see col. 2, lines 16-64). According to Pihl the long lifetime of GPS Assistance Data allows the use of existing point-to-point signaling protocol as well as GSM procedures for delivering GPS Assistance Data from the network to mobile terminals which does not detrimentally affect network capacity, and does not require the establishment of any new signaling arrangements (see col. 4, line 60 to col. 5, line 26).

It would therefore have been obvious to one of ordinary skill in the art to combine Pihl's GPS assistance data system with Beason's location provision system in order to allow the use of point-to-point signaling for transmitting GPS assistance data in implementing Network Assisted Mobile Terminal Based GPS system without requiring a point-to-multipoint broadcast channel for delivering GPS assistance data to GPS capable mobile terminals as taught by Pihl.

Regarding claims 71 and 85, Beason further discloses wherein the mobile terminal and the remote mobile terminal are part of a group comprising a plurality of mobile terminals communicating with the wireless communications network (see Fig. 3, col. 3, line 61 to col. 4, line 2).

Regarding claim 76, Beason further discloses wherein formation of the group is ad-hoc (see col. 3, lines 61-66, and col. 4, lines 47-57).

Regarding claims 77 and 78 Benson further discloses wherein formation of the group is based on the geographic proximity of the mobile terminal and remote terminal and membership is defined by a profile for each mobile terminal in the group (feature of unit 10 communicating with other units over public radio network such as the Family Radio Service, col. 3, lines 61-66, or being a member of a family or other small group camping or hiking and each person carrying a GPS/radio unit, col. 4, lines 49-53).

Regarding claims 82 and 90, Pihl further teaches that the mobile station has the capability to request GPS Assistance Data using supplementary service (see col. 3, lines 27-45), but the combination of Beason and Pihl fail to explicitly teach wherein the mobile terminal is configured to transmit the GPS assistance data responsive to a request from the remote mobile terminal. However, Beason teaches the advantage of a family or other small group in which each is carrying a GPS/radio unit and able to communicate with one another and see where everyone is located, a lost or injured member could easily and quickly be located by requesting location information (see col. 4, lines 48-57).

It would therefore have been obvious to one of ordinary skill in the art to use the combination of Beason and Pihl in order to request location or GPS assistance data for quick locating and helping an injured or lost subscriber in an emergency situation

Regarding claims 83 and 91, Beason as modified by Pihl further discloses wherein the mobile terminal is configured to transmit the GPS assistance data automatically to the remote terminal (see col. 4, lines 22-57).

Regarding claim 106, Beason discloses a method of exchanging GPS data among mobile terminals communicating within a wireless communications network comprising: receiving, at a mobile terminal, GPS data from a remote mobile terminal over a wireless communications network, the GPS data being generated by the remote terminal from GPS data received by the remote terminal (see col. 2, lines 22-58, col. 4, lines 24-34), determining whether to trust the GPS data received from the remote mobile terminal as valid (feature of continuing to retransmit location information until an acknowledgment is received, the acknowledgment serves as determining to trust the GPS data, col. 4, lines 43-44) and determining a reference location based on the GPS data received from the remote mobile terminal (see col. 4, lines 3-21). Beason fails to explicitly teach that the GPS data is specifically GPS Assistance Data, which is transmitted to a remote mobile terminal via the wireless communication network.

In an analogous field of endeavor, Pihl discloses a GPS Assistance Data delivery system in which a mobile terminal generates GPS assistance data from received GPS data (col. 4, lines 53-56), and transmits the GPS assistance data to GPS-capable remote mobile terminals via the wireless communications network (feature of at least one other GPS-capable mobile terminal also receiving GPS Assistance Data in a point-to-point transmission from the network, see col. 2, lines 16-64). According to Pihl the long lifetime of GPS Assistance Data allows the use of existing point-to-point signaling

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protocol as well as GSM procedures for delivering GPS Assistance Data from the network to mobile terminals which does not detrimentally affect network capacity, and does not require the establishment of any new signaling arrangements (see col. 4, line 60 to col. 5, line 26).

It would therefore have been obvious to one of ordinary skill in the art to combine Pihl's GPS assistance data system with Beason's GPS location provision system in order to allow the use of point-to-point signaling for transmitting GPS assistance data in implementing Network Assisted Mobile Terminal Based GPS system without requiring a point-to-multipoint broadcast channel for delivering GPS assistance data to GPS capable mobile terminals as taught by Pihl.

Regarding claim 107, Beason further discloses wherein the mobile terminal and the remote terminal are part of a group comprising a plurality of mobile terminals communicating via the wireless communication network (see col. 3, line 61 to col. 4, line 2, col. 4, lines 48-57).

Regarding claim 112, Pihl further teaches that the mobile station has the capability to request GPS Assistance Data using supplementary service (see col. 3, lines 27-45), but the combination of Beason and Pihl fail to explicitly teach requesting the remote mobile terminal to transmit the GPS assistance. However, Beason teaches the advantage of a family or other small group in which each is carrying a GPS/radio unit and able to communicate with one another and see where everyone is located, a lost or injured member could easily and quickly be located by requesting location information (see col. 4, lines 48-57).

It would have been obvious to one of ordinary skill in the art to use the combination of Beason and Pihl in order to request location or GPS assistance data for quick locating and helping an injured or lost subscriber in an emergency situation.

Regarding claim 113, Beason further discloses transmitting the GPS location data periodically from the remote terminal (see col. 4, lines 40-42).

4. Claims 72-75, 78-81 and 86-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Beason et al** in view of **Pihl et al** as applied to claims 71 and 85 above, and further in view of **Aravamudan et al. (6,301,609)**.

Regarding claims 72-75, the combination of Beason and Pihl fail to explicitly teach wherein the group is a hierarchical group having one or more levels, the group has one or more sub-groups and each sub-group is assigned a priority and wherein the mobile terminal determines whether or not to transmit the GPS assistance data to a remote mobile terminal based on the level, sub-group or priority assigned to the remote terminal.

Aravamudan discloses a system that utilizes the unique features of instant messaging services and communications protocols to locate users for message disposition, wherein a user creates buddy groups having specific attributes and included within each group definition is an associated user-selected priority assignment such as low, high and highest which is used for initiating or contacting the user (see col. 25-48, col. 9, line 45 to col. 10, line 51), and the priority levels are stored in a database (see col. 6, lines 13-31, col. 12, lines 45-53).

It would therefore have been obvious to one of ordinary skill in the art to combine the above teaching of Aravamudan with the system of Beason and Pihl in order to ensure the provision of critical location or position information for appropriate actions such as in emergency situations.

Regarding claims 78-81, the combination of Beason and Pihl fail to teach wherein the group is defined by a profile for each mobile terminal in the group, with the transmission of the GPS assistance data to the remote mobile terminal based on information contained within the profile of the remote terminal and the mobile terminal is configured to receive the profile of the remote mobile terminal and the mobile terminal is configured to retrieve the profile of the remote terminal from a server in the wireless communications network.

Aravamudan discloses a system that utilizes the unique features of instant messaging services and communications protocols to locate users for message disposition wherein databases are used to store a set of individual client data, rules and personal preferences including the assignment of varying priority or importance assigned to respective 'buddies' included in a buddy list for the client (see col. 6, lines 3-31) which information can be retrieved for message disposition (see col. 9, line 45 to col. 10, line 15).

It would therefore have been obvious to one of ordinary skill in the art to combine the above teaching of Aravamudan with the system of Beason and Pihl in order to ensure the provision of any desired information or service including GPS assistance data to users based on stored profile data such as personal preferences.

Claims 86-89 are rejected for the same reasons as set forth in the rejection of claims 72-75 above.

5. Claims 92, 93, 99, 103 and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pihl et al. (6,397,074)** in view of **Honda et al. (6,477,353)**

Regarding claim 92, discloses a method of exchanging GPS assistance data among mobile terminals communicating within a wireless communications network (see Fig. 1), receiving, at a mobile terminal communicating in a wireless communications network, GPS assistance data from an external source (see col. 2, lines 53-58), generating, at the mobile terminal, GPS assistance data from the received GPS data (see col. 4, lines 43), Pihl fails to disclose the feature of determining, at the mobile terminal, whether to transmit the GPS assistance data to a remote mobile terminal communicating in the wireless communications network and transmitting the GPS assistance to a remote mobile terminal via the wireless communication network based on the determination.

Honda discloses a system in which a mobile station relays information including a position information to other mobile stations including the capability of determining at the mobile station if received information including position information is to be transferred (see col. 2, lines 35-65, col. 6, line 62 to col. 7, line 17). According to Honda exchanging or sharing information with users having similar interests, for example, in a retail store, allows the users to share information at a low cost (see col. 9, line 46 to col. 10, line 60).

It would therefore have been obvious to one of ordinary skill in the art to combine the information, including position information exchange system of Honda with Pihl's GPS assistance data provision system in order to share information of common interest among users in a reasonable and efficient way as taught by Honda.

Regarding claim 93, the combination of Pihl and Honda further teaches forming a group comprising at least the mobile terminal and the remote terminal as taught by Honda (see col. 7, lines 14-17).

Regarding claim 99, the combination of Pihl and Honda further discloses wherein the forming a group comprises forming the group based on the geographic proximity of the mobile terminal and the remote terminal as taught by Honda (see col. 6, line 62 to col. 7, line 17).

Regarding claim 103, Pihl further teaches that the mobile station has the capability to request GPS Assistance Data using supplementary service (see col. 3, lines 27-45), while Honda discloses a system in which a mobile station relays information including a position information to other mobile stations including the capability of determining at the mobile station if received information including position information is to be transferred (see col. 2, lines 35-65, col. 6, line 62 to col. 7, line 17). According to Honda exchanging or sharing information with users having similar interests, for example, in a retail store, allows the users to share information at a low cost (see col. 9, line 46 to col. 10, line 60), but the combination of Pihl and Honda fail to explicitly teach the mobile terminal transmitting the GPS assistance data to the remote mobile terminal responsive to a request from the remote mobile terminal.

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It would have been obvious to one of ordinary skill in the art to use the combination of Pihl and Honda in order to request location or GPS assistance data for sharing information of common interest among users in a reasonable and efficient way.

Regarding claim 104, the combination of Pihl and Honda further discloses the terminal transmitting the GPS assistance data automatically to the remote terminal as taught by Honda (see col. 9, lines 63-66).

6. Claims 94-97, and 100-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pihl and Honda et al** as applied to claims 93 and 107 above, and further in view of **Aravamudan et al. (6,301,609)**.

Regarding claims 94-97, the combination of Pihl and Honda fail to explicitly teach wherein the group is a hierarchical group having one or more levels, the group has one or more sub-groups and each sub-group is assigned a priority and the determination of whether or not to transmit the GPS assistance data to the remote mobile terminal is based on the level, sub-group or priority assigned to the remote terminal.

Aravamudan discloses a system that utilizes the unique features of instant messaging services and communications protocols to locate users for message disposition, wherein a user creates buddy groups having specific attributes and included within each group definition is an associated user-selected priority assignment such as low, high and highest which is used for initiating or contacting the user (see col. 25-48, col. 9, line 45 to col. 10, line 51), and the priority levels are stored in a database (see col. 6, lines 13-31, col. 12, lines 45-53).

It would therefore have been obvious to one of ordinary skill in the art to combine the above teaching of Aravamudan with the system of Pihl and Honda in order to ensure the provision of critical location or position information for appropriate actions such as in emergency situations.

Regarding claims 100-102, the combination of Pihl and Honda fail to teach wherein the group is defined by a profile for each mobile terminal in the group, with the transmission of the GPS assistance data to the remote mobile terminal based on information contained within the profile of the remote terminal and the mobile terminal is configured to receive the profile of the remote mobile terminal and the mobile terminal is configured to retrieve the profile of the remote terminal from a server in the wireless communications network.

Aravamudan discloses a system that utilizes the unique features of instant messaging services and communications protocols to locate users for message disposition wherein databases are used to store a set of individual client data, rules and personal preferences including the assignment of varying priority or importance assigned to respective 'buddies' included in a buddy list for the client (see col. 6, lines 3-31) which information can be retrieved for message disposition (see col. 9, line 45 to col. 10, line 15).

It would therefore have been obvious to one of ordinary skill in the art to combine the above teaching of Aravamudan with the system of Pihl and Honda in order to ensure the provision of any desired information or service including GPS assistance data to users based on stored profile data such as personal preferences.

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7. Claims 108-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Beason et al** and **Pihl** as applied to claims 93 and 107 above, and further in view of **Aravamudan et al. (6,301,609)**.

Regarding claims 108-111, the combination of Beason and Pihl fail to explicitly teach wherein the group is a hierarchical group having one or more levels, the group has one or more sub-groups and each sub-group is assigned a priority and the determination of whether or not to transmit the GPS assistance data to the remote mobile terminal is based on the level, sub-group or priority assigned to the remote terminal.

Aravamudan discloses a system that utilizes the unique features of instant messaging services and communications protocols to locate users for message disposition, wherein a user creates buddy groups having specific attributes and included within each group definition is an associated user-selected priority assignment such as low, high and highest which is used for initiating or contacting the user (see col. 25-48, col. 9, line 45 to col. 10, line 51), and the priority levels are stored in a database (see col. 6, lines 13-31, col. 12, lines 45-53).

It would therefore have been obvious to one of ordinary skill in the art to combine the above teaching of Aravamudan with the system of Beason and Pihl in order to ensure the provision of critical location or position information for appropriate actions such as in emergency situations.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tanaka et al. (6,542,749) discloses a system for connecting proximately located mobile users based on compatible attributes.

Alperovich et al. (6,240,069) discloses a system for location-based group services.

Rao (6,449,486) discloses a method of presenting determined location of a mobile unit to a remote party.

Hendrey et al. (6,542,750) discloses a system for selectively connecting mobile users based on physical proximity.

Zadeh et al. (6,266,533) discloses a method for providing GPS assistance data for positioning of mobiles with built-in GPS receivers.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA


CHARLES APPIAH
PRIMARY EXAMINER